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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                  | CONFIRMATION NO.       |
|--|-------------|----------------------|--------------------------------------|------------------------|
| 10/031,410   | 06/21/2002  | Peter Eriksson       | 59760 (47137)                        | 2145                   |
| 21874 7590 02/06/2008<br>EDWARDS ANGELL PALMER & DODGE LLP<br>P.O. BOX 55874<br>BOSTON, MA 02205 |             |                      | EXAMINER<br>MITCHELL, LAURA MCGILLEM |                        |
|  |             |                      | ART UNIT<br>1636                     | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>02/06/2008              | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/031,410

Examiner

Laura M. Mitchell

Applicant(s)

ERIKSSON ET AL.

Art Unit

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

### CONTINUATION SHEET

The amendments to the claims are non-compliant. Claims 1, 15 and 17-22 include the phrase "fusion partners". It appears that Applicants intend to amend "fusion partners" (plural) to "fusion partner" (singular). Applicants have incorrectly amended the word "partners" by placing the "s" in a single bracket. Bracketing is correctly used to show removal of five or fewer consecutive characters if a strike through cannot be easily perceived. However, the characters must be placed in double brackets. For example, fusion partner[[s]]. See MPEP 714.

In addition, claim 1 has been incorrectly amended. In the claim set filed 2/1/2007, claim 1 recited two method steps A) and B). In the amendment filed 11/5/2007, a method step has been added to claim 1. It appears that Applicants have added the step at the beginning of the method and merely shifted the labeling (A, B, C, etc) of the method steps down so that the newly added step is now step A) and the step that was previously step B) is indicated as step C). This is noncompliant because there is no indication that step A) used to recite the phrase "bringing into contact the fusion partners" and that step B) used to recite the step beginning with "providing an electric field...". The record of the claim is muddled by this amendment. In addition, there are dependent claims which refer to "the electrical field in step B" which may be rendered indefinite since step B) no longer refers to an electric field.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Mitchell whose telephone number is (571) 272-8783. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura M. Mitchell  
Examiner  
1/28/2008

CELINE QIAN, PH.D.  
PRIMARY EXAMINER

